



Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1793 OF 2023

Manju Ummed Goswami alias Bharti	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Manas Gawankar i/b Hiren P. Mehta, for Applicant.

Mrs. A. A. Takalkar, APP for State.

Mr. Karnavat Patil, API, L.T. Narpoli Police Station, Thane,
Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 24th AUGUST, 2023

P.C.:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No.379 of 2023, registered with Narpoli police station, Pune, for the offence punishable under Section 304B of Indian Penal Code, 1860.
- 3) The applicant is the co-sister of the deceased, who died by suicide on 21st April, 2023. The first informant is the father of the deceased. The first informant lodged a report with the

allegations that the husband, father-in-law, mother-in-law and the siblings of the husband of the deceased, and the applicant, who is the wife of Ummed Goswami, were subjecting the deceased to harassment in order to coerce her to meet unlawful demand. It was alleged that the husband and brother-in-law were demanding dowry.

4) The learned Counsel for the applicant submitted that the only allegation against the applicant is that she was taking the side of her husband when her husband and the husband of deceased harassed the deceased after consuming liquor. No other role been attributed to the applicant.

5) The learned Counsel for the applicant invited attention of the Court to an order dated 10th July, 2023 passed by this Court, whereby the father-in-law, mother-in-law and sister-in-law of the deceased were granted Anticipatory Bail.

6) I have perused the allegations in the FIR.

7) The gravamen of indictment against the applicant is that since September, 2023, the deceased and her husband started to reside with the applicant and her husband. During the said period, the applicant's husband as well as the husband of deceased used to consume liquor and subject the deceased to

cruelty in order to coerce her to meet unlawful demand. The applicant was taking their side.

8) It however appears that, subsequently, the deceased and her husband started to reside separately from the applicant. The husband of the deceased still continued to harass the deceased. *Prima facie*, the sole allegation against the applicant appears to be that of taking the side of her husband, when the later allegedly demanded money from the deceased. *Prima facie*, it is not the case that the applicant either demanded dowry or subjected the deceased to cruelty for or in connection with the said demand.

9) In view of the aforesaid nature of the accusation, the custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. There does not seem to be any qualitative difference between the role attributed to the applicant and co-accused, who have been ordered to be released in the event of arrest by this Court by an order dated 10th July, 2023.

10) Hence, I am inclined to exercise the discretion.

11) Thus, the following order:-

12) ORDER

I) The application stands allowed.

II) In the event of the arrest of the applicant in connection with C.R. No.379 of 2023, registered with Narpoli police station, Pune, for the offence punishable under Section 304B of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- and one or two sureties in the like amount.

III) The applicant shall attend Narpoli police station on every Sunday between 10 am to 12 noon and co-operate with the investigation agency.

IV) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

VI) The application stands disposed.

VII) It is clarified that these prima facie observations are confined to determine entitlement for pre-arrest bail and may not be construed as an expression of opinion on the merits of the case.

[N. J. JAMADAR, J.]